Titular Roman Catholic Archbishop of Kuala Lumpur v Menteri Dalam Negeri & Anor

HIGH COURT (KUALA LUMPUR) — JUDICIAL REVIEW NO R1–25–28 OF 2009
LAU BEE LAN J
31 DECEMBER 2009

Administrative Law — Judicial review — Application for — Review of Minister of Home Affair's decision to grant a publication permit to applicant subject to condition it was prohibited from using the word 'Allah' in its publication — Application by Majlis Agama Islam Selangor ('MAIS') for leave to intervene — Whether MAIS had direct interest to intervene in judicial review proceedings — Rules of the High Court 1980 O 15 r 6(2)(b) & O 53 r 8

The applicant sought judicial review when the Minister of Home Affairs exercised its power under the Printing Presses and Publications Act 1984 to restrict its right to use the word 'Allah' in the 'Herald — The Catholic Weekly' ('the publication'). The Majlis Agama Islam ('MAI') of Wilayah Persekutuan, Johor, Selangor, Kedah and Malacca, the MAI dan Adat Melayu Terengganu, in the case of Terengganu, and the Malaysian Chinese Muslim Association ('MACMA') ('collectively referred to as the proposed interveners') applied for leave under O 53 r 8(1) of the Rules of the High Court 1980 ('the RHC') to intervene and be added as respondents in the judicial review proceedings. The proposed interveners submitted that they had fulfilled the test under O 53 r 8(1) of the RHC as the subject matter of the judicial review proceedings was within their legal interest; it was within their statutory duty to aid and advise the Sultan of Terengganu, Selangor, Kedah, Johor as well as the YDPA as the respective heads of Islam in the said states and federal territories in respect of all matters pertaining to the religion of Islam. The applicant submitted that the proposed interveners' application to intervene and be made respondents was defective because O 53 r 8 of the RHC merely catered for any person who desired to be heard in opposition to the judicial review application and did not envisage that a person be allowed to intervene, be added as a respondent and be made a party to the judicial review proceedings.

Held, dismissing the applications of the proposed interveners with no order as to costs:

(1) Order 15 r 6 of the RHC 1980, which is the provision for joinder of

parties, applies to all civil proceedings and therefore *Majlis Agama Islam Selangor v Bong Boon Chuen & Ors* [2009] 6 MLJ 307 (*Bong Boon Chuen*'s case), which decided that O 53 r 8 of the RHC is the provision for joinder of parties in judicial reviews proceedings was decided per incuriam (see para 7).

(2) In order for the proposed interveners to qualify under O 53 r 8(1) of the RHC they must show a direct interest. The decision in the instant case only involved two parties, that is, the Minister of Home Affairs and the Titular Roman Catholic Archbishop of Kuala Lumpur who was adversely affected by the decision of the Minister. Applying the reasoning in *Bong Boon Chuen*'s case, MAI and MACMA were not involved in this decision and at this stage could not claim that they ought to have been involved. In fact the proposed interveners had nothing to do with the decision under challenge in the present judicial review proceedings (see para 16(a)).

(3) MAI's role is to aid and advise the Heads of Religion of the States in matters relating to the religion of Islam. Thus matters under the Printing Presses and Publications Act 1984 do not fall within the scope of MAI. MAI who are not in any way connected to the exercise of powers of the respondents in the judicial proceedings ought not to agitate on any matter which is not within their purview. In the circumstances MAI's action to intervene in these proceedings for the purpose of being heard in opposition on the notion of preventing widespread disobedience of God's laws amongst the Muslim community is clearly misconceived (see para 16(b)–(c)).

(4) At best the proposed interveners have an indirect interest. As such, if MAI and MACMA support the impugned decision of the first respondent in the judicial proceedings they are at liberty to adopt the approach advocated by the Federal Court in *Bong Boon Chuen*'s case, that is, assist the respondents in presenting and defending their case in the judicial review proceedings (see para 17).

[Bahasa Malaysia summary

Pemohon menuntut semakan kehakiman apabila Menteri Dalam Negeri menggunakan kuasanya di bawah Akta Mesin Cetak dan Penerbitan 1984 untuk mengehadkan hak menggunakan perkataan 'Allah' dalam 'Herald — The Catholic Weekly' ('penerbitan'). Majlis Agama Islam ('MAI') Wilayah Persekutuan, Johor, Selangor, Kedah dan Melaka, MAI dan Adat Melayu Terengganu, dalam kes Terengganu, dan Pertubuhan Cina Muslim Malaysia ('PCMM') ('secara kolektifnya dirujuk sebagai pencelah yang dicadangkan') memohon untuk kebenaran di bawah A 53 k 8(1) Kaedah-Kaedah Mahkamah Tinggi 1980 ('KMT') untuk mencelah dan dijadikan

responden-responden dalam prosiding semakan kehakiman. Pencelah-pencelah yang dicadangkan menghujah bahawa mereka memenuhi ujian di bawah A 53 k 8(1) KMT memandangkan kepentingan undang-undang merupakan perkara subjek prosiding semakan kehakiman; adalah menjadi kewajipan statutori mereka untuk membantu dan menasihatkan Sultan Terengganu, Selangor, Kedah, Johor begitu juga dengan YDPA sebagai ketua agama Islam dalam negeri-negeri tersebut dan Wilayah Persekutuan berhubung dengan semua perkara berkaitan dengan agama Islam. Pemohon menghujah bahawa permohonan pencelah-pencelah yang dicadangkan untuk mencelah dan dijadikan responden-responden adalah cacat kerana A 53 k 8 KMT hanya untuk mana-mana individu yang ingin dibicarakan menentang permohonan semakan kehakiman dan tidak membayangkan bahawa individu yang dibenarkan untuk mencelah dijadikan responden dan pihak kepada prosiding semakan kehakiman.

Diputuskan, menolak permohonan pencelah-pencelah yang dicadangkan tanpa perintah untuk kos:

(1) Aturan 15 k 6 KMT 1980, yang mana merupakan peruntukan untuk percantuman pihak, boleh diguna pakai kepada semua prosiding sivil dan oleh itu kes *Majlis Agama Islam Selangor v Bong Boon Chuen & Ors* [2009] 6 MLJ 307 (kes *Bong Boon Chuen*) memutuskan bahawa A 53 k 8 KMT merupakan peruntukan untuk percantuman pihak dalam prosiding-prosiding semakan kehakiman telah diputuskan per incuriam (lihat perenggan 7).

(2) Pencelah-pencelah yang dicadangkan perlu menunjukkan kepentingan secara langsung bagi melayakkan diri mereka di bawah A 53 k 8(1) KMT. Keputusan dalam kes ini hanya melibatkan dua pihak iaitu, Kementerian Dalam Negeri dan Titular Roman Catholic Archbishop Kuala Lumpur yang terjejas dengan keputusan Menteri tersebut. Dengan menggunakan alasan-alasan dalam kes *Bong Boon Chuen*, MAI dan MACMA tidak terlibat dalam keputusan ini dan di peringkat ini tidak boleh menuntut bahawa mereka perlu dilibatkan. Malah pencelah-pencelah yang dicadangkan tidak ada kena-mengena dengan keputusan yang dicabar dalam prosiding semakan kehakiman ini (lihat perenggan 16(a)).

(3) Kewajipan MAI ialah untuk membantu dan menasihatkan ketua agama negeri berkenaan agama Islam. Oleh itu perkara-perkara di bawah Akta Mesin Cetak dan Penerbitan 1984 tidak terangkum dalam skop MAI. MAI yang tidak berkaitan dengan perlaksanaan kuasa responden-responden dalam prosiding kehakiman tidak sepatutnya mendesak perkara-perkara yang bukan berada dalam bidang kuasa mereka. Dalam keadaan ini, tindakan MAI mencelah dalam

prosiding-prosiding ini bagi tujuan dibicarakan menentang penyebaran ketidakpatuhan undang-undang tuhan di kalangan komuniti orang Islam secara jelas merupakan salah tanggapan (lihat perenggan 16(b)–(c)).

(4) Sebaiknya, pencelah yang dicadangkan mempunyai kepentingan secara tidak langsung. Oleh itu, sekiranya MAI dan PCMM menyokong untuk mempersoalkan keputusan dalam prosiding kehakiman untuk responden pertama, mereka bebas untuk menggunakan pendekatan yang disokong oleh Mahkamah Persekutuan dalam kes *Bong Boon Chuen*, iaitu, membantu responden-responden dalam mengemukakan dan membela kes mereka di prosiding semakan kehakiman (lihat perenggan 17).]

Notes

For cases on application for, see 1 *Mallal's Digest* (4th Ed, 2005 Reissue) paras 191–197.

Cases referred to

Hong Leong Bank Bhd v Staghorn Sdn Bhd [2008] 2 MLJ 622, FC (refd)
Majlis Agama Islam Selangor v Bong Boon Chuen & Ors [2008] 6 MLJ 488, CA (refd)
Majlis Agama Islam Selangor v Bong Boon Chuen & Ors [2009] 6 MLJ 307, FC (folld)
Pegang Mining Co Ltd v Choong Sam & Ors [1969] 2 MLJ 52, PC (refd)
R v Rent Officer Service; ex parte Muldoon; R v Rent Officer Service, ex parte Kelly [1996] 3 All ER 498, HL (folld)

Legislation referred to

Civil Procedure Rules [UK] r 54.17.1
Printing Presses and Publications Act 1984
Rules of the High Court 1980 O 15 r 6(2), (2)(b), O 53 rr 2(4), 8, 8(1)
Social Security Act 1986 [UK]
Social Security Administration Act 1992 [UK] s 135

Porres Royan (S Selvarajah, Leonard Teoh, Annou Xavier and Benjamin Dawson with him) (Fernandez & Selvarajah) for the applicant.
Kamaludin bin Md Said (Mohd Nasir bin Desa, Suzana bt Atan, Arik Sanuasi bin Yeop Johari and Andi Razalijaya A Dadi with him) (Senior Federal Counsel, Attorney General's Chambers) for the first and second respondents.
Mubashir Mansor (Abd Rahim bin Sinwan with him) (Zainul Rijal Talha & Amir) for Majlis Agama Islam dan Adat Melayu Terengganu and Majlis Agama Islam Wilayah Persekutuan, (Adli & Co) for Majlis Agama Islam Melaka, (Omayah, Nawal & Partners) for Majlis Agama Islam Negeri Kedah, (Azra & Associates) for Majlis Agama Islam Selangor, the interveners.
Mohd Tajuddin bin Abd Razak (Tajuddin Razak) for the Malaysia Chinese Muslim Association, the intervener.

Ikbal Salam (Ikbal Salam & Associates) for Majlis Agama Islam Negeri Johor, the intervener.

Lau Bee Lan J:

[1] Vide the respective summons in chambers' applications (encll 72, 75, 86, 89, 95, 97 and 92) made pursuant to O 53 r 8(1) of the Rules of the High Court 1980 ('the RHC'), the Majlis Agama Islam ('MAI') of Wilayah Persekutuan, Johore, Selangor, Kedah and Malacca, the MAI dan Adat Melayu Terengganu, in the case of Terengganu and the Malaysian Chinese Muslim Association ('MACMA') (collectively referred to as 'the applicants' unless otherwise stated) basically seek:

(a) leave to intervene and be added as respondent for the purpose of being heard in opposition to the application for Judicial Review No R1–25–28 of 2009 dated 16 February 2009 ('prayer 1');

(b) that the title of the proceedings be amended to insert and name the respective MAI and MACMA as a respondent ('prayer 2').

[2] The court has considered the skeletal submissions of the six MAI dated 14 December 2009 (encl 100) and MACMA of even date (encl 102) together with the bundle of authorities (encl 101) and the written submission of the applicant of the same date (encl 103). The court's findings are the following.

[3] Order 53 r 8(1) of the RHC states 'Upon the hearing of an application for judicial review, any person who desires to be heard in opposition to the application and appears to the Judge to be a proper person to be heard may be heard notwithstanding that he has not been served with the cause papers in the matter'.

[4] In the aforesaid provision I wish to stress on the phrases 'any person who desires to be heard in opposition to the application (application for judicial review)' and 'appears to the Judge to be a proper person to be heard'. In my view there are two limbs to be satisfied for a person who invokes O 53 r 8(1). In respect of the first limb, I find support from the dictum of Zulkelfli FCJ in *Majlis Agama Islam Selangor v Bong Boon Chuen & Ors* [2009] 6 MLJ 307, where His Lordship stated at p 316H–I, O 53 r 8(1) of the RHC specifically caters to persons claiming an interest in the proceedings and who wish to be heard in opposition' and this is discernible from the language of the rule in particular the phrase '... appears to the Judge to be a proper person ...'

[5] As to who is a 'proper person' to be heard (second limb), His Lordship opined at para 26 that it 'must be read as referring to persons with a direct

interest'. In this regard the test for joinder as a party in judicial review was considered by the House of Lords in *R v Rent Officer Service; ex parte Muldoon; R v Rent Officer Service, ex parte Kelly* [1996] 3 All ER 498. It was concluded in that case that an indirect interest, even on the part of the secretary of state, was not sufficient to justify joinder. I am of the view the same test would apply to the appellant in the present case. Unlike the position under the UK Civil Procedure Rules ('CPR'), the right of any person to be heard in opposition in our O 53 r 8(1) of the RHC is qualified by the requirement of that person being a 'proper person'. Rule 54.17.1 of the CPR states 'any person may apply to file evidence or make representation at the hearing of the judicial review'. There is therefore a significant qualification under our O 53 r 8(1) of the RHC 1980 which indicates some level of interest. It does not stand to reason for a party not having any direct interest to be allowed to be joined as a party, more so in the light of the nature of the jurisdiction being exercised in judicial review proceedings.

[6] In *R v Rent Officer Service; ex parte Muldoon & Anor*, the applicants, Muldoon and Kelly, each sought judicial review of the refusal or failure of Liverpool City Council to determine their respective claims to housing benefit under the Social Security Act 1986 and regulations made thereunder. The secretary of state for social security who was responsible under the subsidy scheme for housing benefit set up under s 135 of the Social Security Administration Act 1992 for reimbursing up to 95% of housing benefit paid by a local authority to claimants applied to the court for an order to be joined as a respondent to both applications for judicial review by the applicants as being a person directly affected within O 53 r 5(3) of the RSC (material part) reads 'The notice of motion or summons must be served on all persons directly affected ...'. The secretary of state contended he was directly affected because a very large proportion of the housing benefit paid by the local authority to each individual claimant was in effect met by him and a decision in the applicants' favour would commit him to potentially very great expenditure in related cases. The secretary of state appealed to the House of Lords from the decision of the Court of Appeal who upheld the decision of the trial judge in dismissing the secretary of state's application. In dismissing the appeal, at p 500d–f the House of Lords stated 'That a person is directly affected by something connotes that he is affected without the intervention of any intermediate agency. In the present case, if the applications for judicial review are successful the Secretary of State will not have to pay housing benefit to the applicants either directly or through the agency of the local authority. What will happen is that up to 95% of the amount paid by the local authority to the applicants will be added to the subsidy paid by the Secretary of State to the local authority after the end of the financial year. The Secretary of State would certainly be affected by the decision, and it may be

said that he would inevitably or necessarily be affected. But he would, in my opinion, be only indirectly affected, by reason of his collateral obligation to pay subsidy to the local authority.

[7] The applicant in the substantive judicial review application ('the applicant') submitted that O 53 r 8 of the RHC merely caters for any person who desires to be heard in opposition to the application and does not envisage that a person be allowed to intervene, be added as a respondent and be made a party to the judicial review proceedings; and submitted further that the first prayer is defective in so far as the MAI and MACMA seek to intervene and to be made a respondent. I find there is merit in this contention. It is significant to note that the Federal Court relied on the direct interest test as espoused in *R v Rent Officer Service; ex parte Muldoon & Anor*, a case relating to a joinder application in a judicial review application in the determination of who is a 'proper person' under O 53 r 8(1) of the RHC in the manner stated in para 26 of the report alluded to above. In this regard with respect, I cannot agree with the applicants' submission that in *Bong Boon Chuen* at para 26 pp 319–320 the Federal Court has decided that O 53 r 8(1) of the RHC is the provision for joinder of parties in judicial review proceedings instead of O 15 r 6(2) of the same and with Mr Mubashir's first oral observation that a joinder under O 53 r 8(1) has the same effect as that under O 15 r 6(2) of the same.

[8] Mr Mubashir made a second oral observation that the test under O 53 r 8(1) is similar to that under O 15 r 6(2)(b) in that the applicants would have to show that they would be directly affected in terms of their rights and liabilities vis-a-vis the substantive application for judicial review as envisaged in p 56B left column of *Pegang Mining Co Ltd v Choong Sam & Ors* [1969] 2 MLJ 52 (PC) which reads — 'A better way of expressing the test is: will his rights against or liabilities to any party to the action in respect of the subject matter of the action be directly affected by any order which may be made in the action?'

[9] I am unable to agree with the applicants' position as the Federal Court has categorically stated 'I am of the view that the same test would apply to the appellant ('MAIS') in the present case' and in my view the Federal Court is referring to the direct interest test ie the test as enunciated in *R v Rent Officer Service; ex parte Muldoon & Anor*; thus this means that the test in *Pegang Mining*, albeit a direct interest test, would not apply as the Federal Court was considering the direct interest test there in para 25 in the context of justifying intervention under O 15 r 6(2)(b) of the RHC.

[10] The applicants submitted they have fulfilled the test under O 53 r 8(1) of the RHC as the subject matter of the judicial review proceedings is within

A the legal interest of Their Royal Highnesses the Sultan of Terengganu, Selangor, Kedah, Johor as well as the YDPA as the respective Heads of Islam in Melaka and Wilayah Persekutuan; similarly the subject is within the legal interest of the applicants as it falls within the wide scope of their statutory duties to aid and advise Their Royal Highnesses the Sultan of Terengganu, B Selangor, Kedah, Johor as well as the YDPA as the respective Heads of Islam in the said states and federal territories and the subject is also within the scope of authority of the applicants, being the chief authorities in respect of all matters relating to Islam (except hukum Syarak and the administration of C justice) in the said states and federal territories.

[11] I find learned senior federal counsel ('SFC'), Dato' Kamaluddin was correct in submitting that O 53 r 8(1) of the RHC allows a person who is in opposition to the judicial review application to be heard subject to the judge's D determination of whether the said person is a 'proper person' or otherwise. However learned SFC did not submit as who this 'proper person' was. Learned SFC argued that the MAI and MACMA should be allowed to be made a party to oppose the judicial review application for the reasons:

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(1) Their function as advisor of DYMM Sultan or DYMM Agung for States without Sultan in respect of all matters pertaining to the religion of Islam;

F (2) Their function as the chief authorities in respect of all matters relating to Islam;

(3) The existence of the Control and Restriction of the Propagation of Non-Islamic Religious Enactments in various States in which the State Religious Councils also played a role;

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(4) They are opposing the said application (substantive application);

(5) They will be *affected* if the applicant in having the decision of the respondents reviewed. We have submitted the case of *Ottavio Quattrocchi v Menteri Dalam Negeri, Malaysia & Ors* [2001] 6 MLJ H 561; [2001] 4 CLJ 783; and

(6) It is our view that the position in MACMA is somewhat similar to that of the State Religious Council. This is based on their roles and functions towards the Muslims as has been submitted by Encik I Tajuddin specifically the Malaysian Chinese Muslim.

[12] I find the applicant correctly submitted that in *Bong Boon Chuen*, the Federal Court apart from deciding that O 15 r 6(2)(b) did not apply to

judicial review proceedings also decided that in any event MAIS (Majlis Agama Islam Selangor) did not satisfy either O 15 r 6(2)(b) or O 53 r 8(1) on the grounds which I reproduce:

(i) The proceedings before the High Court at Shah Alam were aimed at reviewing the decisions of the MBSA (Majlis Perbandaran Shah Alam) to allocate approximately 13.84 acres of land in a housing estate as a Muslim burial ground;

(ii) MAIS was not involved in these decisions nor can it, at this stage, claim that it ought to have been involved;

(iii) In judicial review proceedings, the court in exercising its supervisory jurisdiction would only be concerned with the decision making process and not the decision itself;

(iv) The basis of the MAIS's purported interest in the judicial review proceedings has been stated in terms which would appear to go beyond the scope of the provisions of the Enactment relied upon namely Sections 4–7;

(v) Matters of local government do not fall within the scope of MAIS;

(vi) MAIS had nothing to do with the decisions under challenge in the judicial review proceedings; and

(vii) In any event, MAIS is not directly affected by the decisions sought to be reviewed.

[13] I am mindful of the applicants' contention that the interest of MAIS in *Bong Boon Chuen* and the subject matter of the dispute there are distinct and unrelated to the legal interests of the applicants in this instant application. I am also conscious of learned SFC Dato' Kamaluddin's submission that previously during the hearing of the application for intervention under O 15 r 6(2)(b) of the RHC, the court held that they had a legal interest but the order of the court allowing intervention made on 3 August 2009 was set aside on 11 November 2009 due to the wrong mode and judicial notice can be taken of this decision and therefore the applicants are the 'proper person' in the substantive judicial review application.

[14] In the determination of the proposed interveners' application brought by the various MAI and MACMA (encll 13, 18, 20, 23, 26, 28, 31, 37 and 39) and the Malaysian Gurdwara Council (encl 34), I had allowed the applications of the former and dismissed the latter's application on 3 August 2009. I had orally stated, inter alia:

(a) that based on the Federal Court case of *Hong Leong Bank Bhd v Staghorn Sdn Bhd* [2008] 2 MLJ 622, O 15 r 6 of the RHC applies to all civil proceedings and therefore the decision of the Court of Appeal in *Majlis Agama Islam Selangor v Bong Boon Chuen & Ors* [2008] 6 MLJ 488 was decided per incuriam in not following the Federal Court decision of *Staghorn*;

(b) following the principles on the right to intervene as per *Pegang Mining* and the need to fulfill the requirements of O 16 r 2(b) of the RHC, I held the MAI had legal interest in the manner submitted by the learned SFC at p 11 of the respondents' written submission dated 20 July 2009 (encl 58) reproduced as follows:

(a) Their functions as the advisor of the DYMM Sultan or YDPA for states without Sultan in respect of all matters relating the religion of Islam;

(b) Their functions as the chief authorities in respect of all matters relating to Islam;

(c) The existence of the Control and Restriction of the Propagation of Non Islamic Religious (sic) Enactments in various states in which the State Religious Councils also played a role;

(d) They are opposing the said application (O 53 r 8 of the RHC 1980); and

(e) They will be affected if the applicant succeeds in having the decision of the respondent reviewed (refer *Ottavio Quattrocchi v Menteri Dalam Negeri, Malaysia & Ors* [2001] 6 MLJ 561; [2001] 4 CLJ 783).

(c) as for MACMA their role and functions are somewhat similar to the MAI and they have a legal interest in the proceeding.

[15] But as I have alluded to before the direct interest test for the determination of who is a 'proper person' to be heard in opposition for purposes of O 53 r 8(1) of the RHC is that enunciated in *R v Rent Officer Service; ex parte Muldoon & Anor* and not as in *Pegang Mining*. What is of particular significance when addressing the direct interest test in *Bong Boon Chuen* and following the test in *R v Rent Officer Service; ex parte Muldoon & Anor* the Federal Court stated at p 320A–B 'It was concluded in that case (*R v Rent Officer Service; ex parte Muldoon & Anor*) that an indirect interest, even on the part of the secretary of state, was not sufficient to justify joinder'.

[16] Therefore for MAI and MACMA to qualify under O 53 r 8(1) of the RHC, I am of the view they must show a direct interest as spelled out in *R v Rent Officer Service; ex parte Muldoon & Anor*. I find they have failed to do

so for the following grounds submitted by the applicant:

(a) The impugned decision is in relation to an exercise of power or discretion by the first respondent under the Printing Presses and Publications Act 1984 with regard to the applicant's right to use the word 'Allah' in the 'Herald — The Catholic Weekly' in a decision dated 7 January 2009. This decision only involved two parties, the first respondent and the applicant who is adversely affected by the decision (O 53 r 2(4)). Applying the reasoning in *Bong Boon Chuen*, MAI and MACMA were not involved in this decision nor can they, at this stage, claim that they ought to have been involved. MAI and MACMA had nothing to do with the decision under challenge in the present judicial review proceedings;

(b) MAI's role is purely to aid and advise the Heads of Religion of the states in matters relating to the religion of Islam. Matters under the Printing Presses and Publications Act 1984 do not fall within the scope of MAI. To say these matters which includes the exercise of the powers of the Minister of Home Affairs fall within the scope of the Majlis would appear to go beyond the scope of the provisions of the Enactment relied upon namely ss 4–7; and

(c) MAI's action to intervene in these proceedings for the purpose of being heard in opposition on the notion of preventing widespread disobedience of God's laws amongst the Muslim community and the plural society is clearly misconceived as MAI have in their affidavits in support neither demonstrated nor provided any basis to claim that the use of the word 'Allah' in the 'Herald — The Catholic Weekly' will lead to such consequences. If indeed any non-Muslim had run foul of the Control and Restriction of the Propagation of Non Islamic Religions Enactments, then it is for the relevant authorities to take appropriate action to charge these persons. MAI who are not in any way connected to the exercise of powers of the respondents ought not to agitate on any matter which is not within their purview.

[17] In my view at best the applicants have an indirect interest and as submitted by the applicant, the Federal Court in *Bong Boon Chuen* held any views or stand taken by MAIS can still be forwarded to MBSA and duly considered by MBSA in presenting and defending *MBSA*'s case in the judicial review proceedings. Transposed to the facts of this instant case, the respondents support the applicants' stand and if MAI and MACMA support the impugned decision of the first respondent, they are at liberty to adopt the approach advocated by the Federal Court in *Bong Boon Chuen*.

[18] For the foregoing reasons, the applications of the applicants (MAI and MACMA) be dismissed with no order as to cost.

Applications dismissed with no order as to costs.

Reported by Kohila Nesan